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NO. 87-1651

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1988

COMMONWEALTH OF MASSACHUSETTS,
Petitioner,

v.

DOUGLAS L. OAKES,
Respondent.

ON WRIT OF CERTIORARI TO THE SUPREME JUDICIAL COURT FOR THE COMMONWEALTH OF MASSACHUSETTS

BRIEF OF THE AMERICAN SUNBATHING ASSOCIATION, INC. *AMICUS CURIAE* IN SUPPORT OF RESPONDENT

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BRIEF OF THE AMERICAN SUNBATHING ASSOCIATION, INC. *AMICUS CURIAE* IN SUPPORT OF RESPONDENT

INTEREST OF THE *AMICUS CURIAE*

The American Sunbathing Association, Inc. (ASA) is a nonprofit corporation organized under the laws of the State of Florida. The organization serves as the principal interest group and spokesman for social nudism in North America. At its founding in 1931, the ASA adopted the following Principles and Standards:

> We believe in the essential wholesomeness of all human bodies and of the natural functions and activities which they perform. We believe in the naturalness of social nudism, and we consider that exposure of the entire human body to sun, light and air is beneficial. We believe that we have the right to practice social nudism, provided that we do not infringe upon the rights of others. ASA Bylaws, Art. II (1987 ed.).

Headquartered with a professional staff in Kissimmee, Florida, the ASA has about 30,000 members and some 200 clubs in the United States and Canada, including four established clubs in the State of Massachusetts. The ASA is affiliated with the worldwide International Naturist Federation headquartered in Antwerp, Belgium.

Social nudism as practiced within the clubs of the ASA provides a wide range of activities for people of all ages. Athletics, social recreation, and interpersonal communication promote the betterment of body and mind and strengthen family bonds.

Modern[1] social nudism generally traces its beginnings to turn-of-the-century Germany, where *freikorperkultur* ("free body culture") parks were established with emphasis on outdoor physical conditioning, vegetarianism, and clean

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1 As far back as ancient Greece, the unclothed human body has been accepted at certain times and places as both fitting and proper. In his "Life of Lycurgus," Plutarch wrote of the Spartan ruler:

> [He] ordered the maidens to exercise themselves with wrestling, running, throwing the quoit, casting the dart. . . . And to the end that he might take away their over-great tenderness and fear of exposure to the air, and all acquired womanishness, he ordered that the young women should go naked in the procession, as well as the young men, and dance, too, in that condition, at certain solemn feasts, singing certain songs, whilst the young men stood around seeing and hearing them. . . . Nor was there anything shameful in this nakedness of the young women; modesty attended them and all wantonness was excluded. It taught them simplicity and care for good health, and gave them some taste for higher feelings, admitted as they were, thus, to the field of noble action and glory.

Plutarch, Lives of the Noble Grecians and Romans 59-60 (Mod. Lib. ed. 1967).

living. Caffeine, tobacco, and alcohol were taboo. This history, with its air of self-justification, is responsible for some jokes and misperceptions of nudists as a cult carrying on activities in semi-secret "colonies." Fortunately, this image is changing as people recognize nudism as a legitimate choice of living style or preferred adjunct to recreation.[2]

In 1980 the Naturist Society was founded in Oshkosh, Wisconsin, to focus on the interest in the larger phenomenon of so-called free beaches and similar recreational use of public lands in secluded areas, hot springs and traditional locations long used for skinny dipping. Some of those areas, like Black's Beach in San Diego, California, have become as famous as they are popular, not unlike the growth which has occurred in the Mediterranean nudist resort playgrounds of Spain, France and Yugoslavia.[3] In other locales, such as Rooster Rock State Park, Oregon, and Lake Travis, near Austin, Texas, local governments have established official nude beach areas with appropriate park facilities and signs to advise the public.[4]

A Gallup poll conducted in 1983 showed not only a seventy-two percent majority acceptance of the idea that there should be designated areas for nude recreation, but also found that fifteen percent of those surveyed had experienced social nudism in one setting or another.[5]

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2 *See, e.g.*, Goodrich, *Skinny Dipping: The Old Swimming Hole Breeds New Controversy*, Parks & Recreation, May 1980 at 33. A thorough exposition of the history and philosophy of the nudist movement in Europe and North America is given in *Roberts v. Clement*, 252 F. Supp. 836 (E.D. Tenn. 1966).

3 L. Baxandall, World Guide to Nude Beaches and Recreation 140 (Crown 2d ed. 1983).

4 *See, e.g.*, Harker, *Nude Bathing, No Controversy*, Parks & Recreation, August 1987 at 58-61; Kellum and Lovelace, *To Bare or Not to Bare: The Constitutionality of Local Ordinances Banning Nude Sunbathing*, 20 U. Rich. L. Rev. 589 (1986).

5 Gallup Organization, Inc., Most Americans Approve of Nude Recreation (Princeton, N.J., June, 1983).

Children are natural nudists.[6] They especially benefit from social nudism and quickly overcome curiosity and shyness, learning to accept their bodies regardless of their stage of maturity. They are seldom embarrassed or ashamed of their bodies and consequently have a healthier sexual attitude.

Nudists believe in the proper photographic portrayal of children enjoying the family nudist lifestyle whether the setting be a nudist park, beach, or home. It is our purpose to educate and differentiate between this legitimate nudist photography and that which we deplore: the exploitation of children as objects of pornography or violence.

The ASA is dedicated to the welfare of our present and future adherents, especially our children. In no sense would we wish to be seen as tolerant of any form of sexual exploitation of a child or adult. We believe that the protection of our First Amendment freedom to express our principles and standards strengthens everyone's ability to distinguish the open, joyful, and natural portrayal of body freedom from any form of degradation.

We find the nudist philosophy, with its natural acceptance of the basic human worth of each individual, to be of specific value to growing children. As one investigation concluded:

> [N]udist children may have an advantage over a great many other children in our culture who have never been exposed to the same or opposite sex in the nude. We view this as a positive aspect of nudism, for both the children and adults. It not only gives children the opportunity to see that they are like other boys and girls, but it gives the parents the opportunity to notice

6 A. Neill, Freedom, Not License 87 (Hart 1966).

> that Johnny and Jane are developing at about the same maturation rate as the other youngsters their age.

W. Hartman, M. Fithian and D. Johnson, Nudist Society 130-31 (Crown 1970). *See also*, M. Mead and R. Metraux, A Way of Seeing 161 (McCalls 1970).

From its very beginnings, the nudist movement has had a family-oriented philosophy. Belief in the fundamental wholesomeness of the human body extends to people of all ages. We believe that the ability to realize this special form of freedom eliminates the common connection others make between nudity and sex. Nudists have standards and regulations about photography which are characterized by good manners, respect for privacy, and anonymity.

The publication and information functions of the ASA are of utmost importance. To illustrate, just within the past year the organization has published the sixteenth edition of its Nudist Park Guide, a 240-page book, listing information on and maps of the ASA's clubs and resorts. It is expected to sell over 20,000 copies through the ASA office, bookstores, and distributors. It can be found in many public libraries, including the Farber Library in North Hampden, Massachusetts, and Springfield City Library, in Springfield, Massachusetts. In addition, an illustrated monthly tabloid newspaper is sent to members and other interested parties. The organization also prints various brochures explaining aspects of social nudism and delineating some of the history of the movement. (To illustrate this function, the ASA's current public relations brochure is appended as Appendix B.)

In 1987, the ASA produced and copywrited two video tape films. One is Welcome to Our World (ASA 1987), a twelve and one-quarter minute introductory program designed for

presentations to organizations, service groups, trade fairs, travel agents and the like. The other is a thirty-minute entertainment video, for which arrangements are presently being made for commercial distribution. Let Yourself Be Free (ASA 1988). All these publications use film and photographic portrayal of social nudism with men, women, and children in the nude to show activities at our clubs and at certain beach locations traditionally used by nudists.

In addition, many of the organization's member clubs publish their own brochures or other promotional materials, along with club newsletters directed to the members of that club and prospective members in given locales. Many clubs place their brochures and literature with travel bureaus, chambers of commerce, and other information centers and locations of public interest.[7]

We believe that wholesome photographic portrayal of the nude form is essential to the education of the general public and to the documentation of the nudist movement, and that such photography is protected by the First Amendment to the Constitution of the United States. We express our concern and disagreement with broad-brush lawmaking illustrated by Massachusetts's attempt to criminalize portrayals, or consent thereto, of "a child in a state of nudity." Mass. Gen. L. ch. 272, §29A (1986). Without the kind of declaration of unconstitutionality of this statute as rendered by the court below, production of the nudist materials

7 The American Sunbathing Association is not the only publisher of nudist literature. The Naturist Society (P.O. Box 132, Oshkosh, Wisconsin 54902) publishes an attractive quarterly magazine entitled Clothed With the Sun: A Journal of the Clothes Optional Lifestyle. The same organization is likewise responsible for publication of the most popular guide to nudist opportunities throughout the world. L. Baxandall, World Guide to Nude Beaches and Recreation (Crown, 2d ed. 1983). There are currently in print at least eight entertainment video tapes reflecting the nudist or naturist lifestyle around the world, as well as nine books and four other magazines available in the North American markets.

described above could not occur in Massachusetts, nor could any of our 591 members there take a family snapshot which includes nude children. The effect of the Massachusetts statute is to ignore the well-established traditions and principles of nudists, as well as to impair or chill the ability of the ASA itself to further its goals and educate the public about social nudism.

Since nudity is not equated with obscenity,[8] our courts have wisely followed a course of defining that kind of nudity which may be offensive in terms of *sexually overt actions*, *e.g.*, "lewd exhibition of the genitals," "exhibition calculated to offend or affront," and the like.[9] This long-accepted distinction is important to nudist families. If, by error or zeal, the distinction between nude and lewd were to be ignored or done away with, the "body taboo" believed in by others would seem real to our nudist children, threatening the healthy outlook they grow up with.

The interest and concern of your *amicus curiae* stems from the following facial reading of the Massachusetts statute:

> Whoever with knowledge that a person is a child under eighteen years of age, or whoever while in possession of such facts that he should have reason to know that such person is a child under eighteen years of age, hires, . . . solicits or . . . employs, procures, uses, causes, encourages, or knowingly permits such child to pose or be exhibited in a state of nudity . . . for purpose of visual representation or reproduction in any book, magazine, pamphlet, motion picture film, photograph, or picture shall be punished . . . .

8 *Erznoznik v. City of Jacksonville*, 422 U.S. 205 (1975); *Jenkins v. Georgia*, 418 U.S. 372 (1974); *Sunshine Book Co. v. Summerfield*, 355 U.S. 372 (1958); *New York v. Ferber*, 458 U.S. 747, 765-66 at n.18 (1982).

9 *E.g.*, *United States v. Various Articles of Obscene Merchandise*, 460 F. Supp. 826, 830 (S.D.N.Y. 1978).

> It shall be a defense . . . that such visual representation or reproduction of any posture or exhibition in a state of nudity was produced, . . . for a bona fide scientific or medical purpose, or for an educational or cultural purpose for a bona fide school, museum or library.

Mass. Gen. L. ch. 272, §29A (1986) quoted in *Commonwealth v. Oakes*, 401 Mass. 602, 603 n.1, 518 N.E.2d 836, 837 n.1 (1988). Nudity is further defined in Mass. Gen. L. ch. 272, §31 (1986). The ASA, its affiliated clubs and members, and other nudists in North America do not fit within any of the stated exceptions.

The interest and position of the *amicus* is in support of the majority opinion below. The filing of this brief *amicus curiae* has been consented to by counsel for the Petitioner and Respondent.

SUMMARY OF ARGUMENT

Introduction

We recognize that the Massachusetts legislature, in an apparent attempt to conform §29A to the decision of the Massachusetts Supreme Judicial Court, amended the statute to add additional qualifying terms to the blanket prohibition on child nudity. There is still some reason for concern as to the vagueness of the terminology used in the amendment. Whatever the effect of that amendment may be, we submit that useful bright lines should be drawn as guidelines in an area apparently left subject to troublesome interpretation of the earlier decisions of this Court. (Pages 10-12)

I

It appears that a misunderstanding of this Court's previous decisions led the Massachusetts lawmakers to draft an overly broad law seeking to prohibit the pictorial rendition of nude persons under the age of eighteen. This law was drawn in connection with other prohibitions *properly* aimed at the criminal regulation of child pornography. And while numerous examples of case-by-case analysis provide some assurance that courts are generally able to make apparently sound distinctions between innocent nudity and exploitative material, there are instances in which genuine concern arises. The impact of the censor on the photographer is real, substantial, and serious. Case-by-case analysis does not address the chilling effect of a statute that prevents people from otherwise engaging in lawful protected expression. (Pages 12-16)

II

Historically, court decisions in this country, including those of this Court, have upheld the right of nudists to express their belief, in all manner of media, that the unclothed body is not an object of shame, nor is it, in the context of social nudism, sexual. Nudity alone has been held not to be illegal conduct. The choice of a nudist lifestyle and the visual portrayal thereof is a fundamental liberty entitled to protection under the First Amendment.

The Massachusetts statute, prior to amendment, overbroadly attempted to regulate all child nudity without regard to the activity engaged in by the child. As such, the statute failed to account for the nudist family snapshot. The interests of these families and of the ASA as their principal spokesman are seriously compromised by the uncertainty created by such broad legislation. (Pages 16-20)

III

It is more effective, honest, and protective of everyone's liberties and best interests to require that state laws regulating child pornography target the exploitative and sexual aspects of that evil directly rather than seek the expediency of totally banning the portrayal of nudity. In this manner, the offensive conduct itself can be isolated and appropriately prosecuted. This Court's decisions have never indicated that the portrayal of child nudity was itself in any way pornographic or subject to the per se prohibitions the court below found so troublesome.

If we fail to focus diligently upon the actual problem at hand, we risk diluting resources which must be marshalled to the real task of protecting children. Nudist children do not need uninformed protection, nor should any portion of the public be required to speculate about the legality of their conduct in composing a visual portrayal of children. (Pages 20-22)

ARGUMENT

INTRODUCTION

Following the Massachusetts Supreme Judicial Court's decision in *Commonwealth v. Oakes*, 401 Mass. 602, 518 N.E.2d 836 (1988), *cert.granted*, 108 S. Ct. 1994 (1988) (No. 87-1651), the state legislature amended the statute in question in an apparent effort to confine the statute's reach to sexually oriented exploitation of minors. The amendment was the addition of a qualifying phrase, "with lacivious intent." (H.B. 5555, 1988 Mass. Acts ___ reprinted as Appendix A.)[10] Without expressing any opinion as to the constitu-

10 A statute substantially similar to that here under consideration has been *judicially construed* to require that prohibited child nudity include "a lewd exhibition or . . . graphic focus on the genitals." *State v. Young*, 37 Ohio St. 3d 249, ___ N.E.2d, ___ 1988 Ohio LEXIS 213 (July 6, 1988).

tionality of the amended statute,[11] your *amicus* urges the affirmance of the decision below in order to clarify this Court's previous holdings that nudity in its visual and photographic portrayal, even of minors, is not obscene and therefore may not, without more, be the subject of criminal prosecution. This Court can provide useful guidance in the form of a finding and declaration that the Massachusetts statute, prior to its amendment, carried the regulation of protected expression too far.[12]

The question presented in this writ of certiorari[13] appears to address the method of constitutional construction, in light of First Amendment concerns, engaged in by the Massachusetts court. Accordingly, your *amicus* anticipates that the litigant parties will address, on the merits, the detailed and sometimes intricate issues of First Amendment overbreadth. *Broadrick v. Oklahoma*, 413 U.S. 601 (1973); *Boos v. Barry*, 108 S. Ct. 1157 (1988); *City of Houston v. Hill*, 107 S. Ct. 2502 (1987). Your *amicus* therefore will leave the bulk of such a discussion to those parties in order to more clearly set forth its particular interest as a friend of this Court. That interest would support a decision, however analytically arrived at, that the Massachusetts statute was

11 The definition supplied for "lacivious intent" as set forth in Section 31 of H.B. 5555 (Appendix A) leaves ample room to question the precision of the law and its possible interpretations. What, for example, is meant by the term "deviation from accepted customs and manners" as set forth in subsection (1)? Similarly, subsection (4) provides by way of suggested interpretation "whether the child is depicted in an unnatural pose or inappropriate attire considering the child's age." It is submitted that nearly all children roughhouse, play dress-up and occasionally run around without clothes.

12 This occasion marks the first opportunity in thirty years for the Court to address the specific constitutional rights of a significant minority of concerned citizens. *Sunshine Book Co. v. Summerfield*, 355 U.S. 372 (1958).

13 "Does possible application of a criminal statute designed to prevent sexual abuse and exploitation of children to marginal conduct arguably protected by First Amendment justify court in invalidating entire statute on overbreadth grounds and reversing defendant's conviction without deciding whether defendant's actions, were within statute's substantial legitimate reach?" 56 U.S.L.W. 3801 (U.S. May24, 1988).

indeed facially overbroad, *see New York v. Ferber*, 458 U.S. 747, 774-76 (1982) (O'Connor, J. concurring), and that it would "significantly compromise First Amendment protections of parties not before the Court. . . ." *City Council of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 801 (1984) (citing *Erznoznik v. City of Jacksonville*, 422 U.S. 205 (1975)).

I. NUDITY ALONE, EVEN OF MINORS, CANNOT CONSTITUTIONALLY BE REGULATED AS OBSCENITY, NOR WILL CASE-BY-CASE ANALYSIS PREVENT THE CHILLING EFFECT ON FIRST AMENDMENT RIGHTS.

The Massachusetts legislature may have sought to curtail the *existence* of literature which has a presumed appeal to persons who take a deviant sexual interest in children.[14] Such arguably worthy motives have left a much too widely drawn net in which to also snare activity which is both legitimate and constitutionally protected. While the example given in the opinion below might be obvious, it is apt; many others are available from the developed case law. *See* discussion at Part II, *infra*.

The statute in question appears to have originated from a misunderstanding of this Court's holding in *New York v. Ferber*, 458 U.S. 747 (1982). The lawmakers may have believed that because the broad message of *Ferber* is that states will be allowed more latitude in regulating obscenity which uses and exploits children than is permitted by the

14 It should be noted that photos of nude children are far from the only sources of stimulation for pedophiles. The experts note that also appealing are voices, stories, diaries and even children in clothing and underwear advertisements found in newspapers and store catalogues. *Effect of Pornography on Women and Children, Hearings Before the Subcomm. on Juvenile Justice of the Senate Comm. on the Judiciary*, 98th Cong., 2d Sess. (1984) (statement of Kenneth Lanning, Behavioral Science Unit, Federal Bureau of Investigation) 38.

"hard core" standard established for adults in *Miller v. California*, 413 U.S. 15 (1973), states are therefore free to engage in virtually any regulation regarding the visual depiction of children, including laws which would supress simple nudity. But in *Ferber* this Court took considerable care to aim only at the subject of sexual content, both as to the images produced and to the intended audience. 458 U.S. at 764-65. *Ferber* reiterated the long standing principle that "nudity, without more, is protected expression," *citing Erznoznik v. City of Jacksonville*, 422 U.S. at 213. As Justice O'Connor cautioned:

> On the other hand, it is quite possible that New York's statute *is* overbroad because it bans depictions that *do not actually threaten the harms identified* by the Court. For example, clinical pictures of adolescent sexuality, such as those that might appear in medical textbooks, might not involve the type of sexual exploitation and abuse targeted by New York's statute. Nor might such depictions feed the poisonous "kiddie porn" market that New York and other States have attempted to regulate. Similarly, pictures of children engaged in rites *widely approved by their cultures*, such as those that might appear in issues of *National Geographic*, might not trigger the compelling interests identified by the Court.

Ferber, at 775. (emphasis added).

While *Ferber* has been criticized for "leaving unanswered precisely how to determine what speech is unprotected," Note, *The Supreme Court 1981 Term* (pt. E), 96 Harv. L. Rev. 141, 145 (1982), this Court reasoned that such decisions could be made on a case-by-case analysis. *New York v. Ferber*, 458 U.S. at 773-774; *Broadrick v. Oklahoma*, 413

U.S. at 610-16 (1973). And, case-by-case analysis has occurred. *E.g.*, *United States v. Flippen*, 674 F. Supp. 536, 542 (E.D. Va. 1987) ("All other evidence offered by the Government is probably inadmissible. . . . Gov. Exs. 13A, 15-27 are magazines that contain pictures of nude children, often playing at nude beaches or nude resorts, but the children are not engaged in any sexual activities.") *See also United States v. Wiegand*, 812 F.2d 1239 (9th Cir. 1987), *aff'g* 636 F. Supp. 828 (S.D. Cal. 1986), *cert. denied*, 108 S. Ct. 164 (1987); *United States v. Andersson*, 803 F.2d 903 (7th Cir. 1986), *cert. denied*, 107 S. Ct. 962 (1987); *United States v. Tolczeki*, 614 F. Supp. 1424 (N.D. Ohio 1985); *In re Duncan*, 189 Cal. App. 3d 1348, 234 Cal. Rptr. 877 (1987), *cert. denied*, 108 S. Ct. 501 (1987); *State v. Jordan*, 665 P.2d 1280 (Utah 1983), *appeal dismissed*, 464 U.S. 910 (1983); *Griffin v. State*, 396 So. 2d 152 (Fla. 1981).

But the price of such case-by-case analysis to mothers, fathers, and stepfathers may also be the risk of serious criminal charges for taking nude pictures of their children. Their concerns are both real and substantial. *See People v. Lerch*, 91 Ill. Dec. 402, 483 N.E.2d 888, *aff'g* 134 Ill. App. 3d 643, 480 N.E.2d 1253 (1985); *State v. Robinson*, 28 Ohio St. 3d 65, 502 N.E.2d 634 (1986); *Bach v. Commonwealth*, 703 S.W.2d 489 (Ky. App. 1985). Consequently, case-by-case analysis will not solve the chilling effect of statutes such as Mass. Gen. L. ch. 272, §29A (1986). *E.g.*, *Secretary of State of Maryland v. Joseph H. Munson Co.*, 467 U.S. 947 (1984). Where the proscription is absolute, case-by-case analysis is impossible. *Sunshine Book Co. v. Summerfield*, 355 U.S. 372 (1958).

Your *amicus* has no quarrel with the definition of unprotected speech chosen by New York and approved in

Ferber, 458 U.S. at 764, and we earnestly hope that the commentator is correct in his analysis that:

> The language and citations employed by the Court help to illuminate the contours of the new category of unprotected speech; both suggest that the category comprises only hard-core pornography that sexually exploits minors. The Court's use throughout the opinion of the term "child pornography" to refer to the material at issue, its citation to medical periodicals that address sexual abuse and exploitation, and its acknowledgement that the New York statute is directed at hard-core child pornography indicate that the category of unprotected speech is restricted to abusive and exploitative material. Seen against the background of the Court's overbreadth analysis, this limitation suggests that *Ferber* should not be read to give a green light to states to prohibit distribution of all material depicting sexual conduct by children.

Note, *The Supreme Court 1981 Term* at 148-49 (footnotes omitted). We submit that nudity of children is not sexual conduct, except in the minds of those who believe all nudity is inherently sexual.[15]

This Court, in *Ferber*, sought to square the notion that certain hard-core dynamics expounded upon in *Miller* were

---

15 There may even be some reason to question the magnitude of the evils. A three-year investigation by the State of Illinois concluded that after certain amendments to federal law encompassed in the Protection of Children Against Sexual Exploitation Act of 1977, 18 U.S.C. §§2251-2256, domestic commercial child pornography had become extinct and what little remained was a pathetic underground of amateurs who preserved old pictures. These findings were corroborated by the Federal Bureau of Investigation. Ill. Legis. Investigating Comm., Sexual Exploitation of Children, A Report to the Illinois General Assembly 14 (1980). *See also* Note, *supra* note 52, at 149. Between January 1, 1978, and May 21, 1984, there were a total of sixty-four federal convictions for child pornography. Senate Comm. on Govt'l. Affairs. Perm. Investigations Subcomm. (99 Cong. 2d Sess., Rep. No. 99-537), Report, Child Pornography and Pedophilia 5-6 (1986).

not the only forms of prohibited *sexual* expression when persons under the age of consent were portrayed. The New York statutes evaluated in *Ferber* left no doubt that their sole and relatively well-focused aim was pornography, in particular that which *in and of itself* constitutes abuse of children. *New York v. Ferber*, 458 U.S. at 751.

The fundamental error in the Massachusetts statute is the absolute ban on the photographic portrayal of child nudity, which nudity is not, as defined, sexual, let alone obscene, lewd, pornographic, or exploitative. This Court has rejected such a doctrine. *Erznoznik v. City of Jacksonville*, 422 U.S. 205 (1975); *Jenkins v. Georgia*, 418 U.S. 153 (1974).

II. VISUAL PORTRAYAL OF THE FAMILY NUDIST LIFESTYLE IS PROTECTED EXPRESSION.

Nudist publications and literature have a judicial and constitutional history which somewhat parallels the growth of the movement in America itself. In 1940, Dr. Maurice Parmelee, a pioneer nudist and member of the ASA Hall of Fame, saw his book, Nudism in Modern Life (1931), subject to a libel action upon its importation into the United States. The libel finding was reversed and importation allowed in an historical and scholarly opinion. *Parmelee v. United States*, 113 F.2d 729 (D.C. Cir. 1940).

The efforts of the ASA to send its own magazine through the mails followed a more tortuous route, ultimately culminating in this Court's decision in *Sunshine Book Co. v. Summerfield*, 355 U.S. 372 (1958), *rev'g* 249 F.2d 114 (D.C. Cir. 1957), *aff'g* 128 F. Supp. 564 (D.D.C. 1955), *on remand*, 184 F. Supp. 767 (D.D.C. 1960).[16] *See, e.g., City of Chicago v.*

16. Legal success was its own undoing for the ASA's magazine Sunshine and Health. Pictures of nudists and "volleyball results" joked about by surgeon Hawkeye Pierce on the television series "M.A.S.H." could no longer compete on the curiosity level with the likes of Playboy. Present day nudist literature such as described above must and does succeed on the merits and interest of the subject itself.

Geraci, 46 Ill.2d 576, 264 N.E.2d 153 (1970) (nudist magazine protected expression); *Home Box Office, Inc. v. Wilkinson*, 531 F. Supp. 987 (D. Utah 1982) (state may not ban nudity from cable television); *United States v. Various Articles of Obscene Merchandise*, 460 F. Supp. 826 (S.D.N.Y. 1978) (separating nudist literature from adult pornography); *United States v. Central Magazine Sales, Ltd.*, 381 F.2d 821 (4th Cir. 1967) (per curiam), *aff'g United States v. A Shipment of 25,000 Magazines*, 254 F. Supp. 1014 (D. Md. 1966) (same; materials included nudist literature). In the same vein as *Sunshine Book Co., supra*, also involving nudist literature, are *Felton v. City of Pensacola*, 390 U.S. 340 (1968) and *Rosenbloom v. Virginia*, 388 U.S. 450 (1967). *See also Smith v. State*, 413 N.E.2d 652 (Ind. App. 1980), where the court noted in tracing these developments:

> Whatever may in general be considered pornography or "hard core" obscenity under the test thus established by the United States Supreme Court, it does seem clear, pursuant to that Court's guidelines, that "nudity alone is not enough to make material legally obscene." *Jenkins v. Georgia*, *supra* 418 U.S. at 161. *And see, e.g.*, nudist magazine cases such as *Sunshine Book Co. v. Summerfield*, 355 U.S. 372, 78 S. Ct. 365, 2 L.Ed.2d 352 (1958), in which the Court held nudist magazines available to the general public were not obscene for purposes of federal postal legislation, despite the appearance therein (as noted by the lower court) of "photographs of naked, men, women, and children," and, further, despite a determination by the Post Office Department fact-finder that such magazines could not be legally distributed. *Sunshine Book Co. v. Summerfield*, (D.C.Cir 1957) 249 F.2d 114.

> As noted above, the photograph in the instant case involves nothing more than nudity, in that it depicts neither sexually provocative gestures, nor any close-up of the genital region.

413 N.E.2d at 653. *Accord People v. Biocic*, 80 Ill App.2d 65, 224 N.E.2d 572 (1967) (nudist magazines).

The law has not for a long time ascribed any illegality to nudity alone absent circumstances or environments where *regulation* is otherwise appropriate. *Schad v. Borough of Mount Ephraim*, 452 U.S. 61 (1981); *American Booksellers Assoc., Inc. v. Hudnut*, 771 F.2d 323 (7th Cir. 1985), *aff'd*, 475 U.S. 1001 (1986); *Williams v. Kleppe*, 539 F.2d 803, 806-07 (1st Cir. 1976), *aff'g* 400 F. Supp. 122, 127 (D. Mass. 1975). *See also Craft v. Hodel*, 683 F. Supp. 289 (D. Mass. 1988), *appeal docketed*, No. 88-1438 (1st Cir. July 18, 1988). Whether that choice of lifestyle is exercised in the home, at a private nudist resort, or at a traditional nude beach, the practice of social family nudism is a protected and recognized choice by individuals who retain the fundamental liberty to be left alone by their government. *Bruns v. Pomerleau*, 319 F. Supp. 58 (D. Md. 1970). As Clare Boothe Luce is said to have observed, "[c]ensorship, 'like charity, should begin at home; but unlike charity, it should end there.'" Quoted in *Faloona v. Hustler Magazine, Inc.*, 607 F. Supp. 1341, 1361 (N.D. Tex. 1985), *aff'd*, 799 F.2d 1000 (5th Cir. 1986), *cert. denied*, 107 S. Ct. 1295 (1987).

Rather than target criminal behavior, abuse and exploitation as is the case in nearly every other state, as well as federal, statutory scheme (*see New York v. Ferber*, 458 U.S. at 749-750 n.2), the prior Massachusetts statute rested upon the unsupportable expedient of banning child nudity itself. Statutes such as those examined in *Ferber*, on the

other hand, provide tried and true methods of directly attacking and prosecuting the evils to which they are directed. *See, e.g., United States v. Various Articles of Obscene Merchandise*, 460 F. Supp. 826 (S.D.N.Y. 1978); *State v. Jordan*, 665 P.2d at 1284 (Utah 1983) (distinguishing mere nudity from child pornography); *Freeman v. Commonwealth*, 233 Va. 301, 288 S.E.2d 461 (1982) (child pornography statute construed to require *lewd exhibition* of a child's genitals); *Goodmakers v. State*, 450 So. 2d 888 (Fla. App. 1984) (nudity distinguished from lewd exhibition).

Our courts have wisely followed a course of carefully defining the offensive by virtue of *acts* which offend, retaining a scienter requirement expressed in language such as that which proscribes "lewd exhibition of the genitals," "exhibition calculated to offend or affront," and the like. *E.g., United States v. Various Articles of Obscene Merchandise*, 460 F. Supp. 826 (S.D.N.Y. 1978). Nudists view these accepted qualifications to be critically important to the protection of our lifestyle and to the protection of our children, their health and well-being. The Massachusetts statute stigmatizes nudity in a way nudist families find unacceptable. Such a law fails to take into account and allow for very real differences of attitude and intent which surround the photographic creation on the part of both the photographer and his or her subject. *See Faloona v. Hustler Magazine, Inc.*, 607 F. Supp. 1341 (N.D. Tex. 1985), *aff'd*, 799 F.2d 1000 (5th Cir. 1986), *cert. denied*, 107 S. Ct. 1295 (1987); *Lerman v. Flynt Distributing Co., Inc.*, 745 F.2d 123 (2d Cir. 1984), *cert. denied*, 471 U.S. 1054 (1985). *Cf. Shields v. Gross*, 58 N.Y.2d 338, 448 N.E.2d 108 (1983). And, as Justice Rhenquist pointed out, "[I]t would be wholly at odds with . . . *Miller* to uphold an obscenity conviction based upon a defendant's depiction of a woman with a bare midriff, even

though a properly charged jury unanimously agreed on a verdict of guilty." *Jenkins v. Georgia*, 418 U.S. at 161.

Massachusetts's attempt to categorize the visual portrayal of child nudity as unprotected expression is unwise as well as unconstitutional. The New York statute in *Ferber* contained exceptions for medical and artistic works which are broader than those provided for by Massachusetts. The reason this Court did not invalidate the New York law was because that statute was still narrowly and carefully directed at pornographic, exploitative material and *its boundaries would not be extended*. *New York v. Ferber*, 458 U.S. at 773. Perhaps the *Ferber* majority's most important point is the following: "Nor will we assume that New York courts will widen the possibly invalid reach of the statute by giving an expansive construction to the proscription on 'lewd exhibition[s] of the genitals.'" *Id.* This cautionary assumption is completely ignored by the prior version of §29A, which also left no "alternative channels" for legitimate photographic expression. *Arcara v. Cloud Books, Inc.*, 478 U.S. 697 (1986).

III. STATUTES PROSCRIBING NUDITY OF CHILDREN MUST TARGET SEXUAL CONDUCT OR EXPLOITATION.

The statute declared unconstitutional below demonstrates a serious additional problem. Lacking a clear focus on sexual exploitation, it invites a substantial risk of diluting resources and diverting attention from the serious matters of real abuse which everyone agrees should be addressed. *See generally* Besharov, *"Doing Something" About Child Abuse: The Need to Narrow the Grounds for State Intervention*, 8 Harv. J. L. & Pub. Pol'y 539, 555 (1985) ("While trying to protect maltreated children, society must protect the traditional American values of personal freedom

and due process.") and 567-72. *See also* statement of Kenneth Lanning, *supra*, note 14, at 31:

> Senator Specter. And by sexually explicit you mean what?
>
> Mr. Lanning. The biggest problem area that you have in defining sexually explicit is simple nudity. It would probably have to be more than simple nudity. It would involve sexual conduct . . . .

Indeed if the Petitioner means what it says that "it is not necessary to rely on a mere 'hunch' that the state will '*probably* not enforce' the statute against individuals who take innocuous photographs" (Brief for Petitioner at 30 n.29 [emphasis added] and Appendix),[17] then a more narrowly focused statute can be just as effective as ever and the Petitioner need not campaign for reinstatement of the previous version of the law. Your *amicus* welcomes such assurance, believing that the same would apply to the interests set forth herein. If, on the other hand, the State seeks to reinstate a mandatory outright ban on all child nudity as an expedient to its prosecutions, then this Court must stay the hand of the censor to prevent the chilling effect of such impermissible restraint. *See Secretary of State of Maryland v. Joseph H. Munson Co.*, 467 U.S. 947, 964-68; *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 607 (1982).[18]

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17 Such assurances seem disingenuous at best in light of Petitioner's bald assertions contained in Part II B of its Brief, that "the production of photographs that depict children . . . posed in a state of nudity is sexual exploitation" (Brief for Petitioner at 18) or "regardless whether the photograph depicts actual sexual activity or the exhibition of a child nude, a child . . . has been victimized." *Id.* at 20. One wonders then about the fate of Edward Weston's justifiably famous photograph of his son Neil. Would this, too, be banned in Boston? 1 E. Weston, Daybooks at Plate 20 (Aperture 1973).

18 This is also not to say that this *amicus* necessarily agrees with the state's assertion that the Court may rely upon the history of enforcement of this kind of statute for its constitutional salvation. *Freedman v. Maryland*, 380 U.S. 51 (1965). *Cf. Frisby v. Schultz*, 56 U.S.L.W. 4785 (U.S. June 29, 1988).

The Massachusetts statute places the burden upon individual members of the public to guess whether their behavior is innocent or felonious. When nudity itself is prohibited or substantially conditioned, the statute no longer affects either the simplest photographs or great artistic works by accident, but reaches families and their friends who have taken vacation snapshots to the drug store. The state must therefore be held to the constitutional requirement, unchanged by *Ferber*, that "[n]o one will be subject to prosecution for the sale or exposure of obscene materials unless these materials depict or describe patently offensive 'hard core' sexual conduct." *Miller v. California*, 413 U.S. at 27.

CONCLUSION

For the reasons set forth herein, your *amicus curiae* respectfully submits that the Supreme Judicial Court of Massachusetts properly declared the statute in question unconstitutional and its decision should be affirmed.

Respectfully submitted,

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DATED: 9-14-88

APPENDIX A

HOUSE—No. 5555

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-Eight.

ACT RELATIVE TO CHILD SEXUAL EXPLOITATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 272 of the General Laws as appearing in the 1986 Official Edition, is hereby amended by striking out section 29A, and inserting in place thereof the following section: —

Section 29A. Sexual Exploitation of Children.

(a) Whoever, either with knowledge that a person is a child under eighteen years of age or while in possession of such facts that he should have reason to know that such person is a child under eighteen years of age, and with lascivious intent, hires, coerces, solicits or entices, employs, procures, uses, causes, encourages, or knowingly permits such child to pose or be exhibited in a state of nudity, for the purpose of representation or reproduction in any visual material, shall be punished by imprisonment in the state prison for a term of not less than ten nor more than twenty years, or by a fine of not less than ten thousand dollars nor more than fifty thousand dollars, or by both such fine and imprisonment.

(b) Whoever, either with knowledge that a person is a child under eighteen years of age or while in possession of such facts that he should have reason to know that such person is a child under eighteen years of age, hires, coerces, solicits or entices,employs, procures, uses, causes, encourages, or knowingly permits such child to participate or engage in any act that depicts, describes, or represents sexual conduct for the purpose of representation or reproduction in any visual material, or to engage in any live performance involving sexual conduct, shall be punished by imprisonment in the state prison for a term of not less than ten nor more than twenty years, or by a fine of not less than ten thousand dollars nor more than fifty thousand dollars, or by both such fine and imprisonment.

(c) In a prosecution under this section, a minor shall be deemed incapable of consenting to any conduct of the defendant for which said defendant is being prosecuted.

(d) For the purposes of this section, the determination whether the person in any visual material prohibited hereunder is under eighteen years of age may be made by the personal testimony of such person, by the testimony of a person who produced, processed, published, printed or manufactured such visual material that the child therein was known to him to be under eighteen years of age, or by expert medical testimony as to the age of the person based upon the person's physical appearance, by inspection of the visual material, or by any other method authorized by any general or special law or by any applicable rule of evidence.

(e) The provisions of this section are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions.

SECTION 2. Chapter 272 of the General Laws as appearing in the 1986 Official Edition, is hereby further amended by striking

out section 29B, and inserting in place thereof the following section: —

Section 29B. Dissemination of Visual Material Involving Sexual Exploitation of Children.

(a) Whoever, with lascivious intent, disseminates any visual material that contains a representation or reproduction of any posture or exhibition in a state of nudity of a child who is under eighteen years of age, knowing the contents of such visual material or having sufficient facts in his possession to have knowledge of the contents thereof, or has in his possession any such visual material knowing the contents or having sufficient facts in his possession to have knowledge of the contents thereof, with the intent to disseminate the same, shall be punished in the state prison for a term of not less than ten nor more than twenty years or by a fine of not less than ten thousand dollars nor more than fifty thousand dollars or three times the monetary value of any economic gain derived from said dissemination, whichever is greater, or by both such fine and imprisonment.

(b) Whoever disseminates any visual material that contains a representation or reproduction of any act that depicts, describes, or represents sexual conduct participated or engaged in by a child who is under eighteen years of age, knowing the contents of such visual material or having sufficient facts in his possession to have knowledge of the contents thereof, or whoever has in his possession any such visual material knowing the contents or having sufficient facts in his possession to have knowledge of the contents thereof, with the intent to dissiminate the same, shall be punished in the state prison for a term of not less than ten nor more than twenty years or by a fine of not less than ten thousand dollars nor more than fifty thousand dollars or three times the monetary value of any economic gain derived from said dissemination, whichever is greater, or by both such fine and imprisonment.

(c) For the purposes of this section, the determination whether the child in any visual material prohibited hereunder is under eighteen years of age may be made by the personal testimony of such child, by the testimony of a person who produced, processed, published, printed or manufactured such visual material that the child therein was known to him to be under eighteen years of age, by testimony of a person who observed the visual material, or by expert medical testimony as to the age of the child based upon the child's physical appearance, by inspection of the visual material, or by any other method authorized by any general or special law or by any applicable rule of evidence.

(d) In a prosecution under this section, a minor shall be deemed incapable of consenting to any conduct of the defendant for which said defendant is being prosecuted.

(c) The provisions of this section are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions.

SECTION 3. Section 31 of Chapter 272 of the General Laws as appearing in the 1986 Official Edition, is hereby amended by inserting the following definition after the definition of "Knowing" and before the definition of "Minor": —

"Lascivious intent", a state of mind in which the sexual gratification or arousal of any person is an objective. For the purposes of prosecution under this chapter, proof of lascivious intent may include, but shall not be limited to, the following:

(1) whether the circumstances include sexual behavior, sexual relations, infamous conduct or a lustful or obscene nature, deviation from accepted customs and manners, or sexually oriented displays;

(2) whether the focal point of a visual depiction is the child's genitalia, pubic area, or breast area of a female child;

(3) whether the setting or pose of a visual depiction is generally associated with sexual activity;

(4) whether the child is depicted in an unnatural pose or inappropriate attire, considering the child's age;

(5) whether the depiction denotes sexual suggestiveness or a willingness to engage in sexual activity;

(6) whether the depiction is of a child engaging in or being engaged in sexual conduct, including, but not limited to, sexual intercourse, unnatural sexual intercourse, bestiality, masturbation, sado-masochistic behavior, or lewd exhibition of the genitals.

SECTION 4. Section 31 of Chapter 272 is hereby further amended by striking out the definition of "Minor", and inserting in place thereof the following definition: —

"Minor", a person under eighteen years of age.

SECTION 5. Section 31 of Chapter 272 is hereby further amended by striking out the definition of "Nudity", and inserting in place thereof the following definition: —

"Nudity", uncovered or less than opaquely covered human genitals, pubic areas, the human female breast below a point immediately above the top of the areola, or the covered male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple or areola only are covered.

SECTION 6. Section 31 of Chapter 272 is hereby further amended by striking out the definition of "Visual material:, and inserting in place thereof the following definition: —

"Visual material", any motion picture film, picture, photograph, videotape, any book, magazine, or pamphlet that contains pictures, photographs or similar visual representations or reproductions. Undeveloped photographs, pictures, motion picture films, videotapes and similar visual representations or reproductions may be visual materials notwithstanding that processing, development or similar acts may be required to make the contents thereof apparent.

SECTION 7. Section 31 of Chapter 272 is hereby further amended by inserting the following definition after the definition of "Matter" and before the definition of "Sexual conduct": —

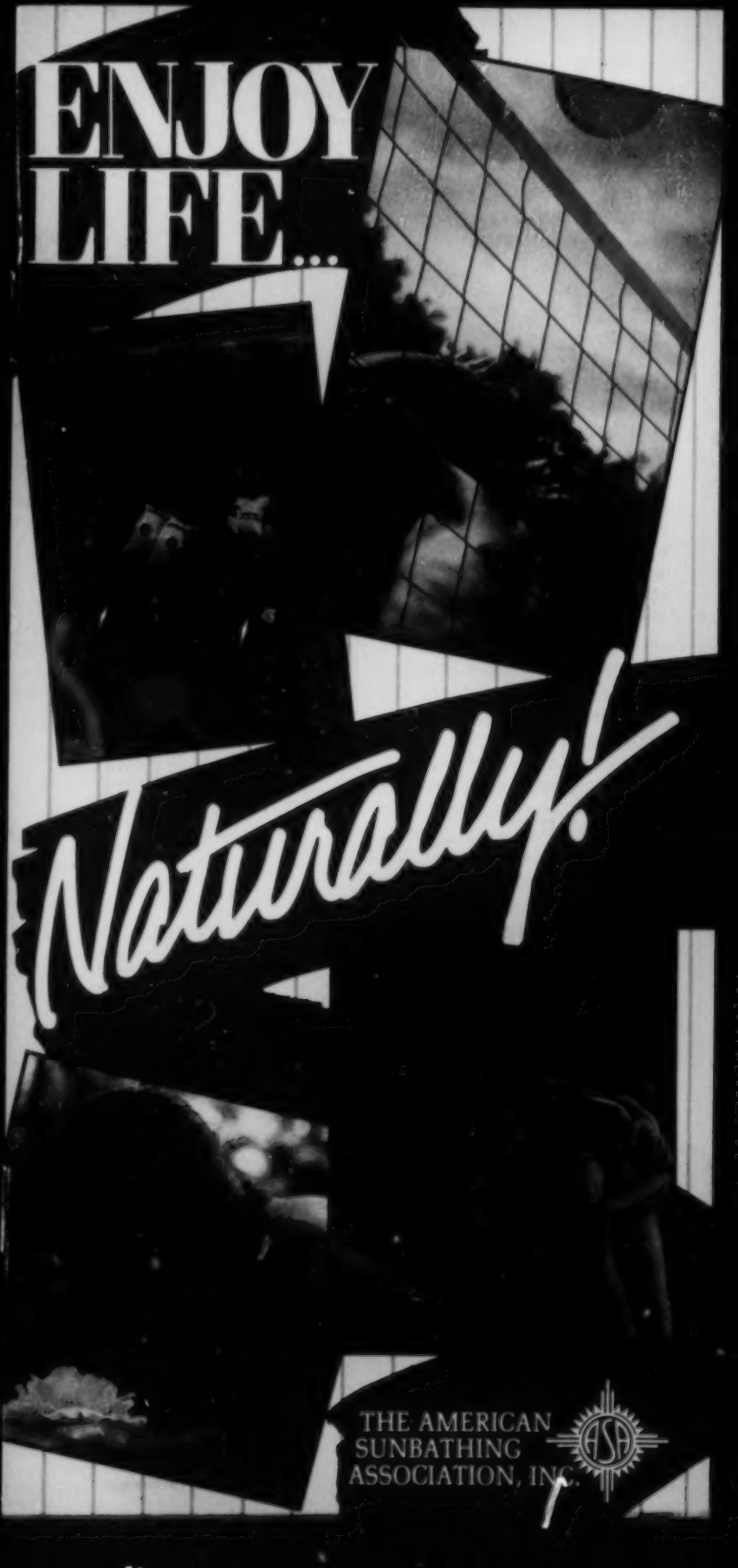
"Performance", any play, dance, exhibit, or such similar activity performed before one or more persons.

SECTION 8. Section 31 of Chapter 272 is further amended by striking out the definition of "Sexual conduct", and inserting in place thereof the following definition: —

"Sexual conduct", human masturbation, sexual intercourse, actual or simulated, normal or perverted, any lewd exhibitions of the genitals, flagellation or torture in the context of a sexual relationship, any lewd touching of the genitals, pubic areas, or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals, and any depiction or representation of excretory functions in the context of a sexual relationship. Sexual intercourse is simulated when it depicts explicit sexual intercourse which gives the appearance of the consummation of sexual intercourse, normal or perverted.

SECTION 9. The provisions of this section are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not impair any of the remaining provisions.

APPENDIX B


ENJOY LIFE...
Naturally!
THE AMERICAN SUNBATHING ASSOCIATION, INC.
ASA

WELCOME
TO OUR WORLD

Of course you are curious about nudism. Most people are. This ASA publication has been designed to help you separate fact from fiction. It presents a true picture of nudism as it is enjoyed worldwide.

After having r… booklet, we ho… your family wh… our lovely reso… Right now, find… chair, take off y… have to start so… relax and learn… nudism.

The nudist phi… simple: being n… natural. Nudis… clothing rest… enjoy-ment of outdo… activities.

Nudists are not opposed to wearing clothes. There are many valid reasons for doing so. Protection against the weather is one. Another is for safety while working. Have you ever tried to fry bacon in the nude? Sanitation and adornment are other reasons for wearing something. Nudists do not (as some people believe) check their clothing at the gate. Simply put — "clothed when practical, unclothed when …

…SM
…EGINNING

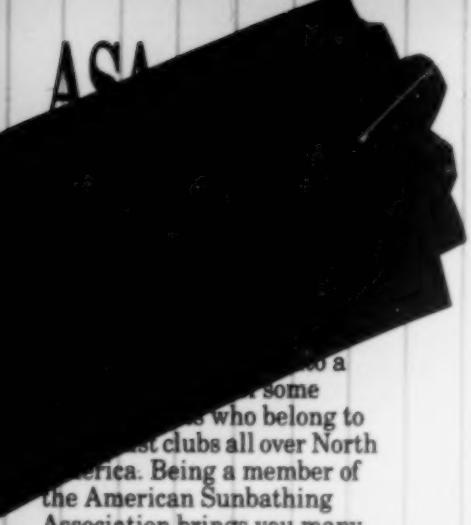
… New …mi-…el in …o …heard …e resolved …cation.

…urt and his wife located three other couples who had experienced Naturism in the Old Country. Together, they found an isolated spot upriver from New York City and on Labor Day of 1929, North American social nudism was born.

Later that year, Kurt formed "The American League for Physical Culture" which eventually became the American Sunbathing Association Inc. But, America was very conservative then and each nudist outing carried a real threat of being raided by local officers. The ASA spent much of its time and several thousands of dollars in the courts until finally in the late 50's it became safe to enjoy nudism at private parks. Still, today, the ASA retains attorneys to guard against infringements of your rights to enjoy nudism.

American nudism has changed dramatically from Kurt Barthel's original ideas of health, exercise and rigid diet. Today's nudist could simply be described as someone who enjoys outdoor recreation totally free of restrictive clothing. To relax and sunbathe nude is to let yourself free!

ASA



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the American Sunbathing
Association brings you many
benefits. A few are listed below.

- The prestige of belonging to a strong national organization.
- A free subscription to *The Bulletin*, the ASA monthly newspaper.
- Protect from legal harassment while on ASA grounds.
- Discounts at ASA parks.
- Membership in the International Naturist Federation.
- Right to participate in the ASA annual and regional conventions which brings members together in an atmosphere of congeniality and athletic competition.

In addition the AS...

- Publishes a... *Guide* fo... nudi...

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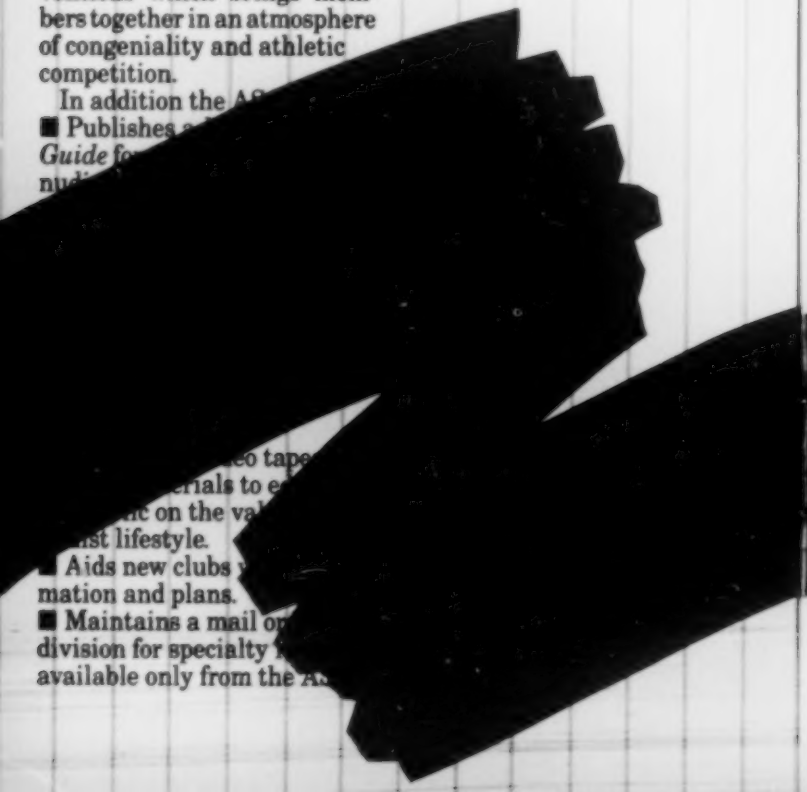
- Aids new clubs ... mation and plans.
- Maintains a mail or... division for specialty ... available only from the AS...



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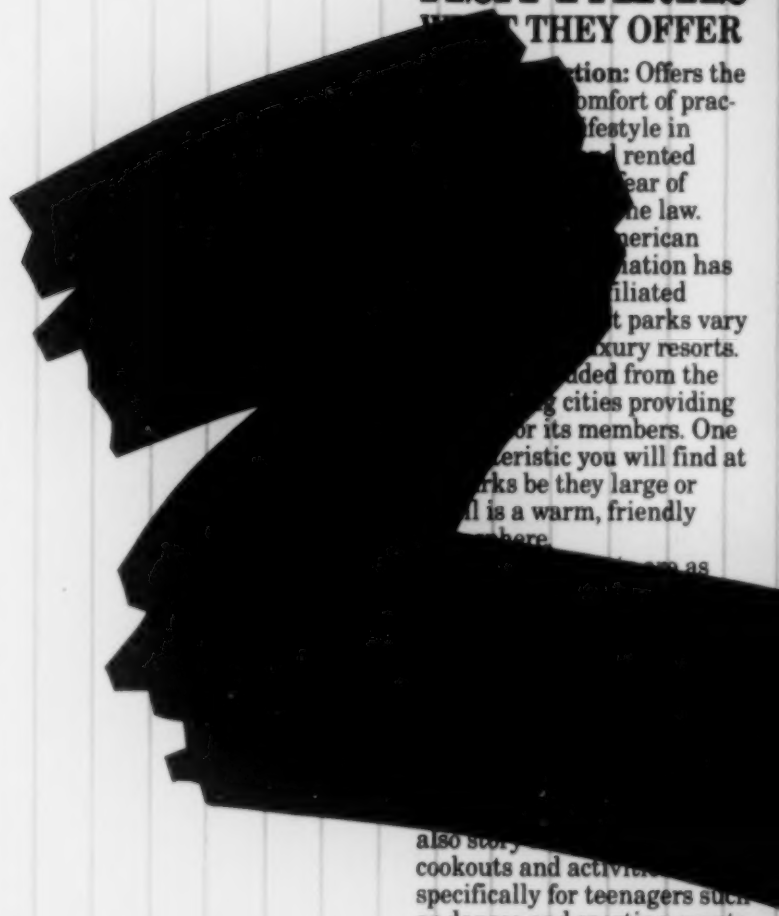


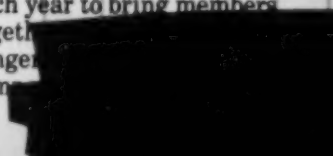
...m as ...
also story... cookouts and activi... specifically for teenagers such as dances and sporting events.

Food: A snack bar/restaurant is available at most parks for those without cooking facilities.

...strooms/Showers: Nudist ... provide clean restroom ...nower facilities.

...n Facilities: Nudist ... have overnight accom... ...ons that range from a ... motel type room to ...comfortable apartments. ...rks have tenting areas ...ost parks have facilities ... camping.

Special Events: Various special events are scheduled each year to bring members togeth... conge... com...



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ere are
beliefs th
nudist philosophy

We respect each o
dividuality and our
esteem is enhanced
ability to accept ourselves as
we really are. One begins to
realize that the "self" which
is being shared and appre-
ciated by friends is that of an
integrated, whole person, and
not the "image" conveyed by
clothing. We find our friend-
ships are enhanced and relax-
ation is easily achieved in
this environment. A certain
equalization comes from the
disappearance of social
distinctions which
stated by clothi
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erally allows
se of club grounds.

anded Clubs:
n-landed clubs do not own or lease grounds. Members of non-landed clubs generally visit landed clubs as a group or hold social events, nude or clothed, at private homes, restaurants or entertainment centers. Some clubs have made arrangements with their Y.M.C.A. or Health Center for the purpose of holding swim events.

Non-landed clubs tend to be groups of friendly, congenial people who enjoy getting together to share their com-
– the nudist

living
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Childre
ronment th
developmen
image. Their curiosity about
male and female differences is
satisfied. They view their
adult role models as real and
caring human beings.

Nudism is a form of self-ex-
pression. It is a statement that
this is "me" and I feel so good

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us at 17 St.,
Kissimmee,
32743-3396. W ill send you
our list of clubs.

Next, you should contact a club near you and arrange for a visit. When writing a club, it is best to enclose a self-addressed stamped envelope for the club's use. If you decide to join that club your dues will include membership in both the National and Regional Associations. Also included at no additional cost will be your membership in the International Naturist Federation. At that time, you should receive from the clu
a temporary ASA memb
card entitling you to f
member privileges
thirty days you
your permane
monthly pu
Bulletin

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Introductor

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variety of rea
not be ready to fully p
pate at this time. For
reason we offer you an
tunity to become a SPO
of nudism through our natio
office.

A Sponsor receives an iden
tification card, a copy of the current issue of the *ASA Park Guide*, and a one-year subscription to our monthly nudist newspaper, *The Bulletin*.

Although sponsor status does not guarantee access to all ASA nudist parks, it usually serves as an introduction to the club for the purpose of trial visits.

Should you later become a full member of the ASA, a pro-rated portion of the unused sponsor status will be refunded to you, up return of your
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REGIONALS

THE ASA DIVISONS

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ASA National
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the public in
nudism.

Murfreesboro, TN
NORTHWEST SUN-BATHING ASSOCIATION
2606 Third Street
Tillamook, OR 97141
SOUTHWESTERN SUN-BATHING ASSOCIATION
133
Point, TX 75169
TERN CANADIAN
ATHING
CIATION
, Station M
, AB, T2P 2K9
DA
TERN SUNBATHING
CIATION
Box 393
olton, CA 92324

Q & A

QUESTIONS AND ANSWERS

Q: What special preparations should I make before visiting a nudist park?

A: Generally none at all, apart from those you would normally make to go anywhere.

Q: Are children likely to be shocked by their first sight of nudists?

A: No. Children are natural nudists and usually take to it with minimum adjustment.

Q: What should I bring?

A: Bring towels, comfortable footwear, suntan lotion and sunglasses. You might also want to bring lounge chairs, a hat, something to read and any sporting equipment you desire.

Q: What is the cost?

A: This varies from park to

else will. Your personality will be noticed more than any scar.

Q: My figure, to say the least, is less than perfect. Will I feel out of place?

A: About one figure in twenty seen at a nudist park will be exemplary; the rest will be like people everywhere. Actually, a person's physical proportions mean less in nudist parks than they do elsewhere. Many nudists (male and female) will never take any prizes for physical beauty. Ladies

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ir nudist ac-
is not a subject
or comment.

Q: there any religious implications involved in nudism?

A: None whatever. Nudists represent all major faiths most of the lesser

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tremely ra

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udists usually
nounce it themselves. No park will ever publicize your presence without your explicit permission.

Q: Is it likely my wife would be improperly approached at a nudist park?

A: Of course not. If such a thing were to occur, you'd notify the ma
onc

visit the park without his/her spouse?

A: This is rarely permitted. Family nudism is exactly that. Your first visit to a nudist park should be a shared experience.

Q: Are unmarried adults eligible for membership?

A: Yes, but individual parks have their own rules. It is best to check with them.

Q: Will my picture be taken?

A: Photogra

ide photo
where you can
ke all the pictures you wish of your own family.

Q: Can I expect any real health benefits from nudism?

A: Nudism embraces traditionally healthy activities such as swimming, hiking, volleyball, and outdoor living. Mental health is improved by the positive attitudes about self-image, healthy sexuality, relief from stress and just pl ation.

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making childbirth and breastfeeding more comfortable. Eyesight is improved by exposure to natural light. The body's circulation may be improved by the lack of constrictive clothing.